

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CARLOS M. HERRERA, On Behalf of Himself :  
And All Others Similarly Situated, :

Plaintiff, :

vs. :

WYETH, WYETH SAVINGS PLAN :  
COMMITTEE, WYETH SAVINGS PLAN- :  
PUERTO RICO COMMITTEE, WYETH :  
RETIREMENT COMMITTEE, ROBERT ESSNER, :  
BERNARD POUSSOT, PAUL J. JONES, :  
KENNETH J. MARTIN, RENÉ R. LEWIN, :  
LAWRENCE STEIN, MARY KATHERINE :  
WOLD, KAREN L. LING and UNKNOWN :  
FIDUCIARY DEFENDANTS 1-30, :

Defendants. :

Case No. 1:08-cv-04688 (RJS)

**NOTICE OF PLAINTIFF'S UNOPPOSED MOTION  
FOR PRELIMINARY APPROVAL OF THE PROPOSED SETTLEMENT;  
CONDITIONAL CERTIFICATION OF CLASS FOR SETTLEMENT; APPROVAL OF  
NOTICE PLAN; AND TO SET FAIRNESS HEARING TO APPROVE SETTLEMENT**

**PLEASE TAKE NOTICE** that, upon the accompanying memorandum of law and related papers, Plaintiff hereby moves the Court, before the Honorable Richard J. Sullivan, United States District Court Judge for the Southern District of New York, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, for an Order: (1) preliminarily approving the parties' proposed Settlement pursuant to Federal Rule of Civil Procedure 23(e); (2) conditionally certifying the proposed class for settlement under Federal Rule of Civil Procedure 23; (3) approving the form and manner of notifying the Class about the proposed Settlement and related relief; and (4) setting a schedule leading to a final fairness hearing. Defendants do not oppose Plaintiff's motion.

In support of this motion, Plaintiff is contemporaneously submitting a memorandum of law and the Joint Declaration of Stephen J. Fearon, Jr. and Thomas J. McKenna and exhibits thereto that include a proposed Preliminary Approval Order for the Court's consideration.

Dated: December 21, 2012

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*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on December 21, 2012, I caused the foregoing document and all attachments to be filed through the Court's Electronic Case Filing system in Master File No. 08-cv-04688 (RJS) and served a copy of those documents upon all counsel of record registered with that system.

/s/ Noemi Escarment  
Noemi Escarment